

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Chiropractic Examiners

RULE CITATION: 21 NCAC 10 .0203

DEADLINE FOR RECEIPT: Monday, September 10, 2018

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In the Submission for Permanent Rule form, Box 1, please correct the spelling of the agency name.

Also, when you resubmit the Form, please have the newly-appointed rulemaking coordinator sign it.

In the Rule:

In (a), line 5, define "timely" and "complete"

In (c), line 15 please capitalize "State"

On lines 17 and 18, I am only asking – why don't you list Part IV after Part III and then the elective examination?

In (d), you state that failure to have the test results sent to the Board shall be a basis to delay the license. However, Paragraph (c) states that the Board requires some candidates to pass the National Boards. So, for some applicants, won't this be a basis to stop some individuals from even taking the NC exam?

Please either change the punctuation at the end of (e)(1), line 27, to a period or (e)(2), line 31, to a semicolon and "and" to be consistent.

I am simply asking – do you still need the language in (e)(1), as this applies only to individuals who graduated from college 52 (or more) years ago?

In (e)(2), line 28, remove the second (2) that appears before "An"

On line 29, insert a comma after "If"

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 24, 2018

In (e)(3), line 34, insert a comma after “Physiotherapy”

In (f), Page 2, line 2, I do not think the cross-reference to Paragraph (d) is correct. Do you mean Paragraph (e)?

On line 4, how does one register for the SPEC exam? What is the passing grade? (See G.S. 93B-8, and the passing grade for the NC exam set in Paragraph (g) of this Rule.) And is there a fee?

In (h), line 10, delete or define “specifically”

On line 10, do you need to retain “in person” after “his or her answers”?

In the History Note, why are you citing to G.S. 90-143.1? Is it Paragraph (f)?

In the History Note, are you citing to G.S. 90-144 because of Paragraph (b), lines 11-13?

In the History Note, do you want to cite to G.S. 93B-8, as that seems to be addressed by Paragraph (h)?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 24, 2018

21 NCAC 10 .0203, as published in Vol. 32, Issue 23, pages 2550-51 of the N.C. Register, is amended as follows:

21 NCAC 10 .0203 NORTH CAROLINA EXAMINATION

(a) Eligibility. Only those applicants who meet the requirements of this Rule and G.S. 90-143 or, in the case of reciprocity applicants, G.S. 90-143.1 and who have submitted a timely and complete written application and paid the non-refundable application fee pursuant to Rule 21 NCAAC 10 .0202 shall be allowed to take the North Carolina examination.

(b) Dates of Examination. The North Carolina examination shall be given at least once each year, and additional examination dates may be scheduled based on the number of applications received. The Board shall announce an examination date not less than 90 days in advance, and the date, time, and location of upcoming examinations shall be published on the Board's website, www.ncchiroboard.com. The Board shall also individually notify an eligible applicant of the date, time, and location of the next examination as soon as possible after the applicant's non-refundable application fee has been paid and the written application completed.

(c) National Boards. Except as provided in Paragraph (e) of this Rule, in order to take the North Carolina examination, an applicant who has never been licensed in this state or who is not a reciprocity applicant shall first achieve a score of 375 or higher on each of the following examinations given by the National Board of Chiropractic Examiners: Part I, Part II, Part III ~~(WCCE)~~ (WCCE), and the elective examination (termed "Physiotherapy" by the National Board). ~~and Part IV. In addition, the applicant shall achieve a score of 475 or higher on Part IV of the National Board examination.~~

(d) Report of Scores. The applicant shall arrange for his or her test results from any National Board examination to be reported to the North Carolina Board. Failure to comply with this provision shall be a basis for delaying the issuance of a license.

(e) Waiver of National Boards. Notwithstanding the requirements of Paragraph (c) of this Rule, an applicant who submits National Board examinations in conformity with the following schedule shall not be disqualified from licensure in North Carolina;

- (1) An applicant who graduated from chiropractic college before July 1, 1966 shall not be required to submit a score from any National Board examination;
- (2) An applicant who graduated from chiropractic college between July 1, 1966 and June 30, 1986 shall be required to submit scores of 375 or higher on National Board Part I, Part II and the elective examination termed "Physiotherapy" but shall not be required to submit a score on Part III (WCCE) or Part IV.
- (3) An applicant who graduated from chiropractic college between July 1, 1986 and June 30, 1997 shall be required to submit scores of 375 or higher on National Board Part I, Part II, the elective examination termed "Physiotherapy" and Part III (WCCE) but shall not be required to submit a score on Part IV.

In order to receive a license, an applicant who qualifies for a waiver of any National Board score shall take and pass the SPEC examination and the North Carolina Examination and satisfy all other requirements for licensure.

1 (f) SPEC Examination. In order to take the North Carolina examination, a reciprocity applicant, a waiver applicant
2 pursuant to Paragraph (d) of this Rule, or an applicant previously licensed in this State whose license has been
3 cancelled pursuant to G.S. 90-155 for more than 180 days shall first take and pass the Special Purpose Examination
4 for Chiropractic ("SPEC").

5 (g) Nature of Examination. The North Carolina examination shall be a written test of an applicant's knowledge of
6 North Carolina chiropractic jurisprudence. No part of the examination shall be open-book, and no reference material
7 of any kind shall be allowed in the examination area. The passing grade shall be 75 percent.

8 (h) Review of Examination. An applicant who has failed the North Carolina examination may request a review of his
9 or her examination if the request is made in writing and received by Board not later than 20 days after issuance of the
10 examination results. Unless the applicant specifically requests to review his or her answers in person, the review shall
11 be limited to a re-tabulation of the applicant's score to make certain no clerical errors were made in grading. If the
12 applicant requests to review his or her answers in person, the applicant shall be permitted to do so at the Board office
13 in the presence of a representative of the Board and for a period of not more than 30 minutes. The applicant shall not
14 be permitted to discuss the examination with any member of the Board, grader, or test administrator.

15
16 *History Note: Authority G.S. 90-142; 90-143; 90-143.1; 90-144; 90-145; 90-146;*

17 *Eff/ February 1, 1976;*

18 *Readopted Eff. January 27, 1978;*

19 *Amended Eff. January 1, 1983; October 17, 1980;*

20 *Legislative Objection Lodged Eff. January 31, 1983;*

21 *Curative Amendment Eff. February 18, 1983;*

22 *Temporary Amendment Eff. May 1, 1998;*

23 *Amended Eff. October 1, 2018; April 1, 2018; February 1, 2009; July 1, 2004; August 1, 2000;*

24 *August 1, 1995; December 1, 1988.*